

DH
Cons. 1. ²⁰⁶
~~205.~~ The kit of claim 204 wherein the one or more oligonucleotides are immobilized on the reaction body.

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~~206.~~ A diagnostic or analysis kit comprising a reaction body and one or more oligonucleotides of claim 192.

ad
apt ²⁰⁸
~~207.~~ The kit of claim 206 wherein the one or more oligonucleotides are immobilized on the reaction body.

Please cancel without prejudice claims 1, 15, 16, 18, 32, 50, 60, 69, 70, 83, 92, 96, 98, 101-104, 109, 110, 115, 128-132, 134, 135, 137, and 139.

REMARKS

Claims 140-207 have been added, and claims 1, 15, 16, 18, 32, 50, 60, 69, 70, 83, 92, 96, 98, 101-104, 109, 110, 115, 128-132, 134, 135, 137, and 139 have been cancelled without prejudice. No new matter has been added by virtue of the new claims. For instance, support for the new claims appears e.g. at page 50, the original claims and the drawings of the application.

At page 2, first paragraph, of the Office Action, as understood, it is requested that the designation of "abandoned" be added with respect to the provisional applications listed under the priority claim on page 1 of the application.

However, provisional applications are recognized as being abandoned more than one year after their filing dates. Accordingly, it is not seen necessary to add such a designation to the application.

Claims 1, 15-16, 18, 29, 32 and 37 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 76-108 of copending application 09/528,110.

This provisional rejection can be properly withdrawn if it is the only outstanding rejection in the case. See Section 804 of the Manual of Patenting Examining Procedure.

Additionally, the cited claims of copending application 09/528,110 recite an inversion of the C3 stereocentre in the sugar unit, i.e. the compounds are *xyl**o*-configured LNA.

In view thereof, reconsideration and withdrawal of the rejection are requested.

The Office Action further indicates that claims 1, 15-16, 18, 29, 32 and 137 are directed to an invention "that is not patentably distinct from claims 76-105 of commonly assigned copending application 09/152,059. The Office Action further indicates that the issue of priority under 35 USC §102(g) and possibly 35 USC §102(f) of this single invention must be resolved. See paragraph 4 of the Office Action.

Those statements are traversed.

Respectfully, any rejection under 35 USC §102(g) and possibly 35 USC §102(f) is improper.

Moreover, while Applicants fully disagree with the statements, the above comments in traversal of the obviousness-type double patenting rejection are repeated here.

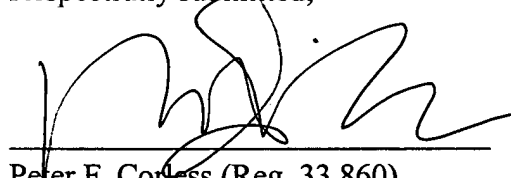
Claims 1, 15, 16, 18, 29, 32 and 137 were rejected under 35 USC §112, second paragraph.

J. Wengel
U.S.S.N. 09/152,059
Page 19

While Applicant disagrees with this formality-type rejection, it is also believed the formalities issue has been obviated by the amendments made herein. In view thereof, reconsideration and withdrawal of the rejection are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter F. Corless', written over a horizontal line.

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